

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE DRAFTKINGS INC. SECURITIES
LITIGATION

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) No. 1:21-cv-05739 (PAE)
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**DEFENDANTS' MOTION TO DISMISS
THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that Defendant DraftKings Inc. ("DraftKings"), together with Defendants Jason D. Robins, Jason K. Park, Jeff Sagansky, Eli Baker and Shalom Meckenzie (collectively, the "Individual Defendants"), will respectfully move this Court, before the Honorable Paul A. Engelmayer, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, on a date and time designated by the Court, for an order dismissing the Second Amended Complaint (the "SAC") in its entirety, with prejudice, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), and the Private Securities Litigation Reform Act of 1995, 78 U.S.C. § 78u-4 (the "PSLRA"), because the SAC fails to state a claim upon which relief can be granted.

The motion is supported by the accompanying Memorandum of Law, dated April 26, 2022, and the Declaration of Brian T. Frawley, dated April 26, 2022.

Per the Court's November 22, 2021 Order (ECF No. 49), Plaintiff's opposition, if any, is due May 10, 2022, and Defendants' reply is due May 17, 2022.

Dated: April 26, 2022
New York, New York

Respectfully submitted,

/s/ Brian T. Frawley

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